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THE

ALASKA BOUNDARY LINE

BY .

THOMAS CORWIN MENDENHALL

with map

FROM

THE ATLANTIC MONTHLY

APRIL 1896

FOR S.

D

BESIDE THE STILL WATERS.

T.

An God! To lie awake at deep of night,
And hear the rain down-dripping overhead,
And know that joy is quenched and hope is fled,
And from all earth have faded glow and light!
Have mercy, Father! On my smarting sight
Let dreamless sleep its grateful shadows spread;
Give me a while to rest as one who, dead,
Can reck of nothing! When the east grows white
I will be strong, will bravely face once more
This dry-eyed agony, not as of yore
Soothed by swift-gushing tears! Now, all my soul,
All prayers, all yearning, but reach out and set,
Athirst, ablaze, towards one receding goal—
One hour's oblivion—to forget, forget!

II.

My God, I thank Thee! Ah, I cannot know By what still waters and what pastures green, Close maybe to those secret founts unseen, All human finding fathoms deep below, Whence life itself takes its mysterious flow, Thou hast my spirit led in sleep, to glean Healing and strength! Grief lingers, yet its keen, Fine throb grows dimmer, fainter, in the slow Advancing dawn. A lark will soar and sing While still a tiny clod of earth may cling To her glad breast: and so, dear Lord, I too Rise from the ground, and, lifting up my voice, As golden morning flushes into view, Remember still, and yet rejoice—rejoice!

Stuart Sterne.

THE ALASKA BOUNDARY LINE.

"In endeavoring to estimate its character I am glad to begin with what is clear and beyond question. I refer to the boundaries fixed by the treaty."

These words form the opening of the magnificent speech of Charles Summer in the United States Senate in 1867, in advocacy of the ratification of the treaty by

which Russia ceded to the United States her entire possessions in America. The distinguished orator, whose address on that occasion was an exhibition of profound historical and geographical research and far-sighted statesmanship which has seldom been equaled, does not appear to have suspected that by coming into possession of the great territory whose purchase he so ably advocated the United States would find itself involved, a quarter of a century later, in two controversies, both with Great Britain, one of which should concern what he then declared to be "clear and beyond question."

What is generally known as the "Bering Sea controversy," but which might be called with greater propriety the "fur seal controversy," has had its beginning. unfortunately not its end, within the last In Sumner's day nothing was decade. known which indicated the possible existence of conditions such as have given rise to this dispute. It is a little difficult to understand, however, that so able a diplomat as Sumner could have studied the definition of the boundaries of the new territory as found in the treaty of cession without seeing therein the seed of future complications with the English na-That he began by assuming the boundaries to be "beyond question" must have been due in large measure to the fact that, as far as related to the land lines, they were turned over to us exactly as they had been agreed upon by treaty of Russia with Great Britain more than forty years earlier, during which period no controversy over them had arisen. was aware, of course, of the controversies between Russia and both the United States and Great Britain, in the first quarter of the century, regarding territorial and maritime rights and privileges, but the vagueness, in certain important respects, of the English-Russian treaty of 1825 does not seem to have impressed itself upon him. As a matter of fact, the superior importance of southeast Alaska, which is the only part whose boundary is likely to be in controversy, was not generally recognized at that time, and reliable information about the whole was so scanty that little attention was likely to be given to mere "metes and bounds." Since the occupancy of this part of the territory by Americans and its fairly full exploration by government officers, its

importance has been admitted by us and recognized by the English to the end that the boundary line dividing it from British Columbia and the Northwest Territory bids fair to become a matter of dispute between the two nations, and one of no mean proportions. Though not of such a nature as to demand immediate settlement, it is not unlikely that it may be involved with two or three other questions at present pending, and about which not only diplomats, but the people generally have been, and are, deeply concerned. The Alaska boundary line is quite worthy of separate consideration on its own account, and it will be a misfortune if any ill-considered act shall result in its being merged with other questions of really less importance, and subjected to the by no means uncertain chances of arbitration.

In the treaty which determined the cession of the Russian possessions in North America to the United States, concluded March 30, 1867, the geographical limits (on the east) of the territory transferred are defined as follows:—

"The eastern limit is the line of demarcation between the Russian and the British possessions in North America as established by the convention between Russia and Great Britain of February 28, 1825, and described in Articles III. and IV. of said convention in the following terms:—

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54° 40′ north latitude, and between the 131st and 133d degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian), and finally, from said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood:—

"1st. That the island called Prince of Wales Island shall belong wholly to Russia (now, by this cession, to the United States).

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned (that is to say, the limit to the possessions ceded by this convention), shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

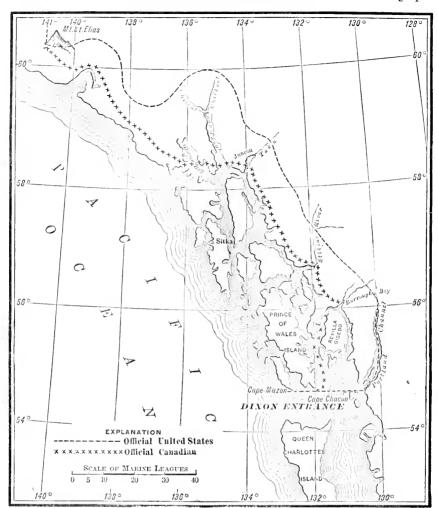
Nearly all boundary-line treaties have been found more or less faulty in construction when subjected to rigorous tests such as are sure to come sooner or later. This is doubtless to be attributed in a great degree to the fact that they are usually framed by politicians rather than by geographers; the advice of the latter being often ignored. The political diplomat is generally possessed by a single dominant idea in entering into a convention, to which all others must be subordinate, and to the realization of which all other features of the treaty must lead.

The convention of 1824 between the United States and Russia, and that of 1825 between Russia and Great Britain (in which are to be found the boundary-line articles quoted above), were the result of a determination on the part of the two Euglish-speaking nations to break down the Russian Emperor's ukase of 1821, in which territory extending as low as 51° north latitude was claimed by Rus-

sia, as well as complete jurisdiction over nearly all water north of this line, thus threatening the fishing and whaling interests and the carrying-trade of both The limitation of Russian possessions to that part of the coast above 54° 40' north latitude and the granting of certain maritime privileges for a limited time were the principal results sought after and accomplished, and unquestionably little thought was given to the definition of a boundary line which traversed a region esteemed to be of little value, either present or prospective. In consequence of this indifference and the apparent absence of geographical instinet in framing the treaty, we have an agreement through which it is now proposed to "drive a coach and six" in the interests of the ever aggressive and persistently expanding British Empire.

It is therefore important for intelligent Americans to understand the weakness of the articles of agreement upon which our Alaska boundary claims are assumed to rest. They can best be considered in the order of definition in the treaty.

In the first paragraph is found the not uncommon but always unfortunate error of "double definition," or rather, in this particular case, of attempting to fix an astronomical position by international It could not be known in 1825, and, as a matter of fact, it is not now known, that the southernmost point of Prince of Wales Island is on the parallel of 54° 40′ of north latitude, for it is almost absolutely certain not to be on this parallel. No harm comes from this, however, as in a subsequent article (IV.) the possibility of this definition resulting in a divided jurisdiction over the lower extremity of that island is prevented by the provision that the whole island shall belong to Russia (now to the United States). The incident is quite worthy of note, however, as illustrating the claim that the dominant idea was the 54° 40' The prominence of this idea, inline.



SKETCH-MAP OF SOUTHEAST ALASKA.

deed, in the minds of the several powers was so great as to give rise to the second ambiguity in the boundary-line definition, which follows immediately upon the heels of the first. The description says, "Commencing from the southernmost point" (Cape Muzon), etc., "the said line shall ascend to the north along the channel called Portland Channel." Now, an examination of the sketch-map of Alaska, shown above, will make it clear that, beginning with the point of departure as defined above, one must proceed to

Showing Points in Controversy, and the Boundary Lines as drawn on Official Maps of the United States and Canada. the east for about fifty miles in order to reach the entrance of Portland Channel, or Portland Canal, as it is often On the absence of anything in the treaty in reference to this eastward line has been founded a claim that the use of the name "Portland Channel" is an error, an oversight, and that the line was meant to be drawn by turning to the north as soon as possible, which would be after passing Cape Chacon, the easternmost of the two capes at the southern extremity of Prince of Wales Island, and

"ascending to the north" through Clarence Strait and Behm Canal, and finally intersecting the 56th parallel of north latitude in Burroughs Bay. The effect of this would be to throw the whole of the great Revilla-Gigedo Island, together with a large territory between that and Portland Canal (all of which has been almost universally recognized as belonging to Alaska), over to the British side. Preposterous as is this claim, it has for some years received official support at the hands of the Canadian authorities, who have so drawn the line on several of their official maps. It is found on a general map of the Dominion of Canada published by the Interior Department in 1887, and it is drawn in the same way upon what purports to be a copy of an official Canadian map of 1884 (accompanying Executive Document 146, Fiftieth Congress, second session), although an original, now before me, of same date and title, and with which the copy is almost identical in other respects, exhibits the line as following the Portland Canal, in accord with the traditional claims of the United States. In recent English dispatches it has been announced that new facts relating to the treaty have been discovered which greatly strengthen the later Canadian interpretation of this part of the line, but it is hardly to be believed that English diplomats will consider this line in any other light than as affording excellent material with which to "trade" in convention, or on which to "" yield " in arbitration.

4 On entering the mouth of the Portland Channel, which is struck almost in the centre by the 54° 40′ line, we meet with another claim of comparatively recent date. Just to the north of what must be admitted to be the real entrance to this channel are two considerable islands, Wales Island and Pearse Island. North of these is a narrow, dangerous channel separating them from the mainland, and joining Portland Canal above with the open sea. It is claimed that, admitting

Portland Channel, as laid down on the maps, to be the real channel referred to in the treaty, this comparatively narrow passage is a part of it, and the boundary line must be drawn through it so as to put Wales Island and Pearse Island on the Canadian side. This claim is not recognized on the official Canadian map referred to above, dated 1884, but it is upon that of 1887. It can have but little value, except when it comes to the "general scramble" which is evidently being prepared for.

The Portland Canal presents another difficulty in the fact that it does not actually reach the "56th degree of north latitude," as seems to be implied in the language of the treaty, and this has been used as an argument to prove that Portland Channel was not really the channel through which it was originally intended to draw the boundary line. But this canal comes to within a very short distance of the 56th parallel, probably falling short of it by not more than three or four miles, and possibly by not more than a fraction of a mile. The Salmon and Bear rivers debouch into this canal at its head, and the bed of either may represent the extension of the inlet to the 56th parallel. In any event, it is a matter of no great importance, as some sort of hiatus must necessarily exist in a line passing from the level of the sea to the summit of mountains.

Altogether the most serious trouble is to be anticipated in the interpretation of that part of the treaty which defines the line as it is to be drawn from the head of Portland Canal to the 141st meridian of west longitude near Mount St. Elias.

In Article III. the language used is that "from this last-mentioned point" (where Portland Channel strikes the 56th degree of north latitude) "the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude," etc. But as there was, apparently, even

then a doubt as to the position if not the existence of such a range, the second paragraph of Article IV. was inserted, defining the distance of the line from the winding of the coast, in ease the assumed mountain range might be found to run further from the shore than was then supposed. Although most interested in the other features of the treaty, it is evident that British diplomacy, with its accustomed shrewdness, was looking after secondary as well as primary questions, and was by no means disposed to trust to the possible meanderings of any little-known range of mountains, even though drawn upon the map by its own explorers. It was provided, therefore, that while the "summit of the mountains parallel to the coast" should furnish the boundary line whenever such line would be ten marine leagues, or less, from the coast, if it should appear in the future that said mountains carried their summits to a greater distance inland, then the line was to be drawn "parallel to the winding of the coast," and so as never to "exceed the distance of ten marine leagues therefrom." It is important to note that this article may be regarded as containing something stronger than a quasi-admission on the part of Great Britain that the strip of territory conceded to belong to Russia should be in width ten marine leagues from the coast line: it also implies that this is the maximum width to which she will consent, and that there is nothing in the treaty to prevent her making it one league or half a league, if, in the future, she is able to do so and the mountains parallel to the coast do not stand in the way.

When this treaty was made, and indeed until a comparatively recent date, the charts of the region prepared under the direction of Vancouver were the most reliable at hand. One of them (it is likely to have been the French edition) was doubtless before the authors of the articles defining the boundary line. All show a well-defined range of mountains,

running nearly parallel to the coast line. and removed from it by a varying distance, sometimes as great as forty miles or more. It is now known, however, and has been known for several years, that the very regular and neatly drawn mountain ranges which Vancouver's map exhibits owe their origin to the imagination of his draughtsman more than to anything else; that is, as far as their form goes. deed, it is probably just to say that they were intended only as conventional representations of the fact that mountains were seen in almost every direction, and especially in looking from the coast toward the interior. Within the past few years many topographical maps have been executed, and many photographs have been made of these mountains as viewed from the summits of some of those which are accessible. cellent views have been obtained from elevations of four thousand and five thousand feet, looking towards the interior and extending far beyond any claim of the United States. These show a vast "sea of mountains" in every direction, generally increasing in elevation as the distance from the coast increases. from a distance or from the deck of a ship at sea, they might easily create the impression of a range or ranges "parallel to the winding of the coast." a matter of fact, there is nothing of the kind, but only the most confused and irregular scattering of mountains over the whole territory, at least until the Fairweather range, south of Mount St. Elias, Of course it is quite possiis reached. ble to draw a series of lines from mountain summit to mountain summit, which would form a line parallel to the coast, or any other assumed line, but no one can deny that the language of the treaty implies a range of summits extending "in a direction parallel to the coast." As the mountains which actually exist cover the territory down to the water's edge, the logical application of the mountainsummit definition, if it is to be applied at all, is to draw the line from peak to peak along the seacoast, and this our friends on the other side have not hesitated to-do. It is so drawn on the official Canadian map dated 1887, and also by Dr. G. M. Dawson, director of the Dominion Geological Survey, on his map submitted to show proposed conventional boundary lines. Naturally, this line, in common with all recently drawn maps of the Canadian government, practically leaves little to us except the group of islands lying off the mainland. nominally allowing us a narrow strip, which is perhaps not quite all covered by high tides, it makes several short cuts which serve to break the continuity of our coast line, and to give considerable seacoast to British Columbia.

Against the mountain-summit theory, the contention of the United States is, or should be, that as it is unquestionably proved that no such range of mountains exists as was shown on the charts of Vanconver, and as the high contracting parties evidently had in mind when they agreed to the treaty, it becomes necessary to fall back upon the alternative definition, which places the line "parallel to the winding of the coast," and not more than ten marine leagues distant therefrom. It may be claimed that this was to have application only in localities where the range of "mountains parallel to the coast" was more than ten marine leagues from the coast, and that it vanishes when said range disappears. In reply it may be said that there are indications strongly pointing to the actual existence of such a range far beyond the boundary limit towards the interior; but even if it be finally known that no such range exists, either more or less than ten marine leagues from the sea, the intent of the agreement can be distinctly proved; and in the impossibility of executing one of its provisions, an alternative, specially provided for the failure of that one, must be accepted.

But as soon as we suggest that both the

spirit and the letter of the treaty would be satisfied by drawing the line ten marine leagues from the coast, we are met with some astounding arguments as to what is meant by the coast. A wellknown English authority has contended, in effect, that the coast line from which this distance should be measured should be drawn tangent to, and so as to include, the islands lying along the coast. The effect of this would be practically to exclude us from the mainland, and to throw valuable parts of the islands themselves over to the Canadian side. In the face of the plain statement that the line is to be drawn "parallel to the winding [sinuosités] of the coast," it is not believed that this point can be seriously urged.

Should it be found possible to project a line satisfactory to both parties, from Dixon's Entrance, at some point of which it must begin, to the region of the Mount St. Elias Alps, there will be no difficulty in agreeing upon the remainder of the boundary. From the point where it strikes the 141st meridian west longitude it is to be extended along that meridian "as far as the Frozen Ocean." Since it is an astronomical line, its position can be ascertained as accurately as circumstances require.

In order to remove a not uncommon but erroneous impression that the Alaska boundary line is now, and has been for some time, in a state of adjudication, it may be well to say that thus far nothing has been done except to execute such surveys as have been thought desirable and necessary for the construction of maps, by which the whole subject could be properly presented to a joint boundary-line commission whenever such should be appointed, and on which the location of the line could be definitively laid down if a mutual agreement should be reached. Such a survey was first brought to the attention of Congress in a message of President Grant in 1872. It was not until 1889, however, that the work was begun by the United States Coast and Geodetic Survey, which sent two parties to the valley of the Yukon, in the vast interior of the territory, with instructions to establish camps, one on that river, and the other on its branch the Porcupine, both to be as near the 141st meridian as possible. These parties were to carry on a series of astronomical observations for the purpose of determining the location of the meridian, to execute such triangulation and topographical surveys as were necessary for its identification, and to establish permanent monuments as nearly as might be upon the meridian line.

They remained at their posts, under stress of weather and other unfavorable conditions, for two years, during which their work was done in a manner quite sufficient for any demands ever likely to be made upon it. The two most important points on the boundary, where it intersects the two great rivers named above, were thus determined, and a year or two later the position of the boundary meridian in relation to the summit of Mount St. Elias was established. It is difficult to see what more will be required for a long time to come, as far as relates to this part of the boundary line. In southeast Alaska, where all the uncertainties as to definition of the boundary line exist, peculiar and in a certain sense insuperable obstacles are met with in the actual survey or "running" of a line in the ordinary sense. In nearly all of the proposed routes most of the line passes through a region practically inaccessible, or at least not accessible without the expenditure of enormous sums of money and many years of time, wholly disproportionate to the end to be gained. attempt to make anything like a detailed topographical survey of the wide region covered by the several claims, of sufficient accuracy to satisfy the conditions, and to "run" a line wherever it should finally be located, would involve labor and expense impossible to estimate in advance, but sure to be extraordinarily great. In view of these facts, it was determined to make such a survey as would enable a boundary-line commission to fix upon any one of several "conventional" lines which had been suggested already as satisfactory substitutes for that of the treaty, now generally admitted to be impossible of realization. July, 1892, an agreement was entered into between the United States and Great Britain for the execution of a joint or coincident survey of this region, for boundary-line purposes. It was agreed by the commissioners appointed to make this survey to carry out, in effect, the plan mentioned above. Astronomical stations were to be established at the mouths of the principal rivers which flow across the boundary line, namely, at the head of Burroughs Bay, the mouths of the Stikine and the Taku, and the head of Lynn Canal. A series of triangles were to be run from these up the river valleys, until a point beyond the probable or possible location of the boundary was reached. Topographical sketches were to be made and a good deal of photographic topography was to be done, especially by the Canadian parties. This plan, which was successfully carried out, received the approval of the Department of State, and the representatives of the two governments cooperated in its exe-It is believed to have furnished all information, besides what had been previously accumulated, necessary to a full discussion and a complete settlement of the controversy. One of the important results of this work has been the accumulation of evidence, if indeed any were needed, of the impossibility of the "mountain-summit" line, and the consequent necessity of falling back upon a line at a measured distance from the coast. That this distance, in accordance with the spirit and intent of the treaty of 1825, should be practically ten marine leagues is apparent from the treaty itself and from contemporaneous history. was evidently meant to convey, or rather to confirm, to Russia a "strip of the coast," complete and unbroken, from the parallel of 54° 40' north latitude to Mount St. Elias. The word lisière used in the treaty to describe this strip, and which becomes "line" in the English version, means much more than that, being originally equivalent to "border," "selvage," "fringe," or "list" of cloth, arways standing for something of very definite width and continuity. Contemporary writers might be quoted, showing a common belief among Englishmen themselves that the treaty accorded to Russia a very definite and continuous strip of the mainland, which, by cutting off direct access to the coast, "rendered the great interior of comparatively little value."

In conclusion, the situation may be summed up as follows:—

Our purchase of Alaska from Russia in 1867 included a strip of the coast (lisière de côte) extending from north latitude 54° 40′ to the region of Mount St. Elias. This strip was thought to be separated from the British possessions by a range of mountains (then supposed to exist) parallel to the coast, or, in the case of these mountains being too remote, by a line parallel to the windings (sinuosités) of the coast, and nowhere greater than ten marine leagues from the same. As the advantage of an alternative line could hardly have been intended to accrue to one only of the contracting parties, and as Great Britain would benefit by every nearer approach of the alleged mountain range than ten marine leagues, it must be inferred that the spirit and intent of the treaty was to give Russia the full ten leagues wherever a range of mountains nearer to the coast than that did not exist. For more than fifty years there was, as far as is known, no claim on the part of Great Britain to any other than this simple interpretation of the treaty, and up to a very recent date all maps were drawn practically in accord with it. Above all, it is clear, both from the language of the treaty and from contemporaneous history, that the strip of coast was intended to be continuous from the parallel of 54° 40′ north latitude. The right of complete jurisdiction over this coast, exercised so long by Russia without protest from Great Britain, became ours by purchase in 1867. Since that date the development of the northwest has shown the great value of this Its existence has become especially disagreeable to Great Britain, because through its waterways and over its passes much of the emigration and material supplies for her northwestern territory must go. The possession by us of the entire coast of North America north of 54° 40' to the Arctic Ocean is not in itself in harmony with her desire or her policy. The Alaska boundaryline dispute offers an opportunity to break the continuity of our territorial jurisdiction, and by securing certain portions of the coast to herself greatly to diminish the value of the remaining detached fragments to us. The wisdom of this from the Downing Street standpoint cannot be questioned. Those of us who desire to assist in its accomplishment have only to urge the importance of submitting every controversy of this kind, no matter whether we are right or wrong, to the court of arbitration. Arbitration is compromise, especially when two great and nearly equally strong nations are engaged in it. No matter how much or how little a nation carries to an arbitration, it is tolerably certain to bring something away. Once before a board of arbitration, the English government has only to set up and vigorously urge all of the claims referred to above, and more that can easily be invented, and it is all but absolutely certain that, although by both tradition and equity we should decline to yield a foot of what we purchased in good faith from Russia, and which has become doubly valuable to us by settlement and exploration, our lisière will be promptly broken into fragments, and, with much show of impartiality, divided between the two high contracting parties.

It is to be regretted that our share in recent important events has tended to lead us toward this end rather than away from We have thrust ourselves into a controversy over a boundary line on another continent, in which we can have no interest, except perhaps that which grows out of a very foggy and uncertain sentiment. We have assumed that a European power is about to "extend its system" to a part of the western continent, or that England is on the point of "oppressing" the people of a South American republic, or of "controlling the destiny" of their government. Against this we have made an active and aggressive protest, and have clearly intimated that if Great Britain does not submit this boundary question to arbitration we shall make trouble. In so doing we have once more put ourselves exactly where far-sighted English statesmanship would have us. Under ordinary circumstances our attitude on this question would be considered as almost an offense, and the channels of diplomatic correspondence

would not be as clear and uninterrupted as they now are.

The truth is that Great Britain is meeting our wishes in this matter with almost indecent haste, because the arbitration of the Alaska boundary line, by which she hopes and expects to acquire an open seacoast for her great northwest territories, and to weaken us by breaking our exclusive jurisdiction north of 54° 40', is enormously more important to her than anything she is likely to gain or lose in South America. Having driven her to accept arbitration in this case, it will be impossible for us to refuse it in Alaska, and we shall find ourselves again badly worsted by the diplomatic skill of a people who, as individuals, have developed intellectual activity, manliness, courage, unselfish devotion to duty, and general nobility of character, elsewhere unequaled in the world's history, but whose diplomatic policy as a nation is and long has been characterized by aggressiveness. greed, absolute indifference to the rights of others, and a splendid facility in ignoring every principle of justice or international law whenever commercial interests are at stake.

T. C. Mendenhall.

LATTER-DAY CRANFORD.

It is the eccentric dower of some to grow quite as hot-headed and tremulous over a prospective needle in a haymow as ever Midas could have been on receiving his gift. To such. Knutsford, in Cheshire, offers a perfect hunting-ground for that sort of plunder so humorously resembling Gratiano's reasons: "You shall seek all day ere you find them; and when you have them, they are not worth the search." No more satisfying occupation can be invented in this ancient world than the pursuit of what does not absolutely exist, if only the hunter

be just credulous enough; bold in belief, yet "not too bold." He must cling to his guesswork with a dauntless zeal; at the same time, he shall, for his own ease, recognize the probable futility of such doggedness. For to reconstruct a habitation on the base of some foregone romance is to strike a balance between special disappointment and a vague general joy.

The present Knutsford, in toto, is emphatically not the Cranford of Mrs. Gaskell's homely chronicle, but it glitters with links of similitude; moreover,

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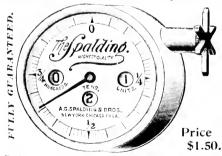
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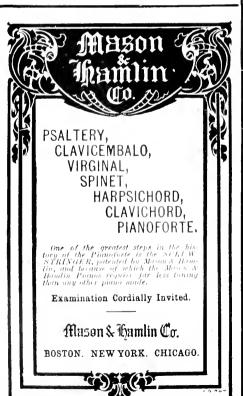


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The Pasteur-Chamberland Filter Co. Dayton, U EASTERN DEPARTMENT, 1193 BRDADWAY, N. Y. CANADIAN DEPARTMENT, 6 ADELAIDE ST. EAST. TORONTO, ONT.

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We handlen, 1203 Penn, Ave.
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The Control of the St.
The Common Penn, Ave.
The Raydways and Penn, Ave.
The Raydways are the Raydways and Devices in Raydways.

THE

ALASKA BOUNDARY LINE

BY

THOMAS CORWIN MENDENHALL

FROM
THE INDEPENDENT
OCTOBER 26 1899



A Ballad of Hallowmass.

By Clinton Scollard.

That the wraith of Ralph of the peaceful heart went forth from the courts of God, Went forth from the paradisial ways, from the paths of asphodel, From the vistas veiled in a golden haze where the souls of the sainted dwell; And as he passed he heard the peal of the summoning trumpet blown, And he saw the cloud of witnesses go wavering by to the throne; And earthward swift on a tide of joy and love he seemed to swim, For he thought of the hour when his stalwart sons should go to the throne with him; When they should stand on his either hand who had been his pride on earth, And know in the sight of the Living Light the bliss of a second birth.

And so to the land he had called his own, to the realm he had ruled, he came, Where, under the spell of his gracious sway, grim war had been but a name, Where the herds had strayed on the happy hills, and traffic roared in the mart, Where life had lost its cankering ills, for peace had flowered in the heart. But lo! as he looked on the harvest fields, on the ways of the wide-wheeled wain, He saw wild masses of marching men sweep over the pillaged plain; He saw no flocks on the great green slopes, no kine in barn or byre, But the sheltering thatch of the farmstead roof licked up by the tongues of fire; And the women's groaps and the children's means surged by him like a wave, And the cloudy reek of plundered towns where none was left to save. Then on he pressed to the seat of power in the crook of a broad sea bay, Where, under the frown of the bastioned walls, the lines of a leaguer lay; In he went to the tallest tent, and sat unseen at the board Where the fierce chiefs plotted the city's sack, each chief with his barèd sword; He who sat at the council's head was the leaguer's grimmest one, And the dead King looked in his fiery eyes and knew the man for his son. So forth he went from the tallest tent, by the leaguer's outmost guard, Till be came to the most and the mighty keep and the archway triple-barred; Not a warder's eye as he slipped by beheld the wraith of the King, And scarce, as he sped toward the castle gate, did he meet with a living thing, For Famine into the weedy streets had come as a grizzly guest, And down from the pallid window-panes there peered the face of the Pest. He glided into the eastle court, and on to the banquet-hall Wherefrom there echoed a mirthful rouse in iterant rise and fall: He looked within for a little space, then shrunk him back from the door, For he saw the face of his other son and a painted paramour.

It happed at the time of Hallowmass, when the dead may walk abroad, That the wraith of Ralph of the peaceful heart went back to the courts of God; And a bitterer anguish than was his few noble souls have known As he saw the cloud of witnesses go wavering down from the throne. He passed to the high and holy place, and straight to the feet of Him About whom stand in a shining band the saints and the seraphim: "I pray," he said, "that my soul may tread the dark of the outer way, That those I love may be borne above to the light of the living day; Send thou my soul to the utmost goal of night to dwell therein, That they thereby may be raised on high from the awful pits of sin!" But the Presence spake: "Remorse shall wake because of these words of thine Within the breasts of the recreant ones ere another day decline; And they shall win from the ways of sin, ere the span of their lives be through, Because of the love of a father's heart, and the deed that thou wouldst do!" And so from the time of Hallowmass, when the dead may walk abroad. The soul of Ralph of the peaceful heart abode in the courts of God. CLINTON, N. V.

The Alaska Boundary Line.

By T. C. Mendenhall,

PRESIDENT OF WORCESTER POLYTECHNIC INSTITUTE.

ISPUTES over boundary lines have always been most difficult of settlement. Most nations are reluctant to give up territory, even when it is apparently of little value, immediate or prospective. The United States has been more nearly an exception to this rule than any other great nation. This is undoubtedly owing to the enormous extent of our original possessions, considered in relation to our comparatively small population. Because our territory has been generally far in excess of the demands of our people we have been indifferent and careless as to the disposition of outlying regions which have not, for the time, seemed of much concern to our welfare. Most of our controversies have been with a nation whose policy is always the exact opposite of this; a nation which promptly seizes all that comes within its reach, and never gives up a foot. In all of our boundary disputes with Great Britain we have been worsted; that is, we have yielded territory to which our claim was as good as hers and often better. It is to be regretted that our people have not been generally well informed as to the merits of these controversies and, especially, that they have not felt a greater interest in the outcome. We have been so busy in the occupation and development of the great interior that a few hundred square miles here and there of distant, unsettled regions have not seemed to be important.

The boundary line between Alaska and British Columbia, now under discussion, is involved in peculiar difficulties. Its importance has greatly increased within the last two or three years on account of the discovery and development of rich mining resources in its neighborhood. It ought to have been fixed long ago, and might have been with vastly less Irritation and friction than are now unavoidable.

The desirability of coming to an agreement with Great Britain was long ago recognized by all who were familiar with the facts, but one administration after another has found itself so occupied with other, generally much less important, affairs that it was easier to postpone than to act. In 1891 and 1892, in official communications relating to this and other public business, forwarded to the then Secretary of State, Mr. Blaine, the pressing importance of a determination of this line was urged, and these letters were forwarded by him in regular course to Congress, together with his approval of the suggestions they embodied. They received little attention. This was prior to the discoveries of gold in the Klondike region and there is no doubt that a settlement might then have been reached with comparatively little effort.

The difficulty is one which we inherited from Russia, and it arises primarily out of the unfortunate and ambiguous definition of the boundary found in the treaty between Russia and Great Britain in 1825. When we bought Alaska in 1867 we bought that definition and all of the trouble to which it must necessarily give rise. All nations ought to have learned long ago that boundary lines should be defined astronomically. The latitude and longitude of any point on the earth may now be determined with almost any desired degree of precision. Natural boundary marks, such as rivers and mountains, although apparently meeting every requirement, are far from satisfactory. Rivers change their courses; we have had disputes growing out of this fact, and we had a long controversy with Great Britain to determine which river was the St. Croix of the treaty. Mountains are erroneously named and often do not really exist as shown on an explorer's map. Much of the trouble over the Alaskan boundary has arisen out of confusions of this English and American astronomers would never differ, sensibly, over the location of the 141st meridian.

Fortunately a large part of the Alaskan

boundary line is astronomical. It is that part which proceeds from a point near the summit of Mt. St. Elias along the 141st meridian west of Greenwich to the Arctic Ocean. Over this there is no dispute, or if a dispute should ever arise it can easily be settled. The line separating what is known as Southeast Alaska from British Columbia, beginning at the most southerly point of Prince of Wales Island and ending near the summit of Mt. St. Elias, is the subject of the present controversy.

The language of the treaty is as follows: "Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54° 41' north latitude, and between the 131st and 133d degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude: from this last mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian, and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean."

The first serious difficulty is to determine what is meant by "the channel called Portland Channel." Our friends the enemy interpret this to mean that on leaving the southernmost point of Prince of Wales Island the line must be drawn at once to the north to the 56th parallel of north latitude, and this carries it to the west of the great Revilla Gigedo Island into Burrough's Bay, thus throwing that island and a large block of the mainland under their jurisdiction. In order to enter what has always been known as Portland Channel it is necessary to proceed from the beginning at Prince of Wales Island straight to the east for about sixty miles, and then "ascend to the north along the channel," which is the line we claim. The omission of this easterly line from the treaty opens the door for the British contention, and to support it they maintain that the use of the name Portland Channel was an oversight. We contend, on the

contrary, that the omission of the fifty or sixty miles of easting from the southernmost point of Prince of Wales Island is of no special importance because any one would understand that before you could ascend along the channel you must get into it. On the 56th parallel, therefore, the two claims are separated by the distance from Burrough's Bay to the head of Portland Channel, a matter of about thirty-five miles. From this point until they come together near Mt. St. Elias they continue to be apart by about the same distance. Roughly, then, there is in dispute an irregular strip of territory about 700 miles long, with an average width of 35 to 40 miles, nearly three and a half times the area of the State of Massachusetts. The line contended for by the British follows the shore from Burrough's Bay to the mouth of the Stikine River, thence, still as close to the shore as it can be shown upon an ordinary map, to the Taku Inlet, which it crosses at the southern end and then, turning to the west, it crosses Lynn Canal, leaving all of that splendid estuary on the Canadian side, likewise the wonderful Glacier Bay, with its famous Muir Glacier, going straight for the Fairweather Mountains, which it follows to Mt. St. Elias. This claim is based on the next phrase of the treaty, which declares that after leaving Portland Channel "the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, etc." On the old chart by Vancouver on which the treaty was based, a range of mountains parallel to the coast and situated about thirtyfive miles back from the shore is shown, the summits being beautifully arranged in a continuous chain. Undoubtedly such a range was supposed to exist at that time, but the English diplomats who framed the treaty with Russia evidently suspected that its position might not be shown correctly on Vancouver's map, and fearing that it was really further inland than it there appeared they thought it wise to insert a modifying clause by which Russia could be prevented from getting too wide a strip of the western coast. The nearer the supposed range of mountains was to the shore line the better for them, so they did not propose to limit its position on

that side, but lest it should stray too far to the east they shrewdly provided as follows: "That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned (that is to say, the limit of the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

Now the American contention is that there is no such range of mountains parallel to the coast; mountains there are in plenty; Southeast Alaska is covered with them, but they are scattered about in absolute irregularity; generally increasing in hight toward the east, but nowhere simulating a "range" even approximately like that shown on Vancouver's chart. This being the case, it is contended that it is necessary to fall back upon the alternative definition of the line in which the intent of the language of the treaty is clearly that Russia should be possessed of a strip ten marine leagues (about thirty-five miles) in width, counting from the "winding of the coast," The line claimed by us is drawn upon this assumption. Mountains being extremely numerous all over this strip of territory, the English have no difficulty in drawing their line from peak to peak so that it shall practically follow the water's edge, and this, they claim, is following "the summit of the mountains situated parallel to the coast."

Of course there is much involved in this controversy besides the mere question of square miles of territory. The really serious object of Great Britain is to secure one or more seaports and access to the interior without coming under American jurisdiction, which means the breaking of the continuity of our coast line so that instead of controlling, practically, the entire western coast, except that part from Cape Flattery to 54° 40′ north latitude, which we gave up to her in 1846, our jurisdiction as far as Mt. St. Elias will be over a series of disconnected

fragments. It will be seen from the above brief statement of the case that, considering the literal interpretation of the treaty as it stands, the affair is one of much perplexity, and that it is by no means one-sided. The phrase, "following the summit of the mountains situated parallel to the coast," is, it must be confessed, of uncertain meaning. It does not say the range of mountains parallel to the coast. If it did the meaning would be clear, but on the other hand it may be fairly claimed that range is implied; otherwise there is the manifestly absurd assumption that mountains, or a mountain, may be situated parallel to the coast.

In the face of this ambiguity we may fall back upon a generally accepted principle in boundary disputes that continuous occupation of territory or undisputed recognition of a line shall have a determining effect. It cannot be denied that up to a comparatively recent date, about 1887, the line was drawn upon English maps essentially as upon those of Russia, or upon our own, and there is much evidence to show that this line was what was meant in the treaty. Before Alaska came into our possession there was a strong feeling among Canadians that this strip, now known as Southeast Alaska, ought to belong to Great Britain, but it was not held that it was hers in virtue of the treaty. In illustration of this I will make a few quotations from a prominent Canadian newspaper printed in 1863, shortly after the finding of gold in the sands of the Stikine River, a discovery which was thought at the time to be of much importance:

"It is certainly not acceptable . . . that the business of such a highway should reach the interior through a Russian door of thirty miles of coast. . . . It is clearly undesirable that the strip three hundred miles long and thirty miles wide, which is only used by the Russians for the collection of furs and walrus teeth, shall forever control the entrance to our very extensive northern territory. . . . The strip of land which stretches along from Portland Canal to Mt. St. Elias with a breadth of thirty miles and which, according to the treaty of 1825, forms a part of Russian America, must eventually become the property of Great Britain."

It is important to note in these extracts,

and many others similar in strain could be quoted, the admission of practically everything now claimed by us—the Portland Canal, the thirty miles width, and the fact that the treaty of 1825 made this the property of Russia.

Naturally the thing for the United States to do was to stand by this interpretation, so long accepted by the English, and to declare that the territory was ours. We shall be compelled, however, to allow the matter to go into arbitration. If arbitration means a decision in accord with the principles of justice and equity, we ought to welcome such a determination of the case. But in modern diplomacy arbitration means compromise, and we may as well resign ourselves to the cutting in two of our Alaskan domain and the rupture of the continuity of our coast line. We are driven to arbitration by our own act of a few years ago when we "thrust ourselves into a controversy over a boundary line on another continent, in which we can have no interest except, perhaps, that which grows out of a very foggy and uncertain sentiment." This result was distinctly foreseen more than three years ago, and predicted in an article printed in the Atlantic Monthly for April, 1896, the closing paragraph of which is as follows:

"The truth is that Great Britain is meeting our ewn wishes in this matter with almost indecent haste, because the arbitration of the Alaska boundary line, by which she hopes and expects to acquire an open sea coast for her great northwestern territories, and to weaken us by breaking our exclusive jurisdiction north of 54° 40', is enormously more important to her than anything she is likely to gain or lose in South America. Having driven her to accept arbitration in this case it will be impossible for us to refuse it in Alaska, and we shall find ourselves again badly worsted by the diplomatic skill of a people who, as individuals, have developed intellectual activity, manliness, courage, unselfish devotion to duty, and general nobility of character elsewhere unequaled in the world's history, but whose diplomatic policy as a nation is and long has been characterized by aggressiveness, greed, absolute indifference to the rights of others, and a splendid facility in ignoring every principle of justice or international law whenever commercial interests are at stake."

WORCESTER, MASS.

Notes of an Itinerant Policeman.*

II.—THE HABITUAL CRIMINAL.

By Josiah Flynt.

N appearance and manner the professional offender has not changed much in the last decade. I knew him first over ten years ago when, making my earliest studies of tramp life, I saw him again five years ago while on a short trip in Hoboland, and we have met recently on the railroads; and he looks just about as he did when we first got acquainted.

Ordinarily he would not be noticed in mixed company by others than those accustomed to his ways. He is not like the tramp whom practically any one can pick out in a crowd. He dresses well, can often carry himself after the manner of a gentle-

man, and generally has a snug sum of money in his pockets. It is his face, voice and habits of companionship that mark him for what he is. Not that there is that in his countenance which Lombroso would have us believe signifies that he is a degenerate, congenitally deformed or insane, but rather that the life he leads gives him a look which the experienced observer knows as the "mug of a crook." He can no more change this look after reaching manhood than can a genuinely honest man, who has never been in prison, acquire it. I had learned to know it, and had become practiced in discovering it long before I became a policeman. It took me years to reach the stage when in

^{*} Copyright, 1899, by The Independent.

merely looking hurriedly at a criminal something Instinctively pronounced him to be a thief, but such a time certainly comes to him who sojourns much in criminal environment. There are, of course, certain special features and wrinkles that one looks for, and that help in the general summing up, but after a while these are not thought of in judging a man, at least not consciously, and the observer bases his opinion on instinctive feeling. Given the stylish clothes to which I have referred, a hard face, suspicious eyes which seem to take in everything, a loitering walk, a peculiar guttural cough given by way of signal, and ealled the thief's cough, and a habit of lingering about places where a "sporty" constituency is usually to be found, and there is pretty conclusive evidence that a professional thief is in view. All of this evidence is not always at hand; sometimes there is only the cough to go by, but the circumstances being suspicious any one of them is sufficient to make an expert observer look quickly and prick up his ears.

In New York City, for instance, there are streets in which professional thieves can be met by the dozen, if one understands how to identify them, and it is only necessary to pass a few words and they can be drawn into conversation. Some are dressed better than others-there are a great many ups and downs in the profession-and some look less typical than the more experienced men-it takes time for the life to leave its traces-but there they stand, the young and old, the clever and the stupid, for any one who knows how to scrape acquaintance with them. They are the most difficult people in the world to learn to know well until one has mastered their free masonry, and then they are but little more fearful of approach than is the tramp.

I devote a special chapter to their class because I believe that they are the least understood of all offenders, and also, as I stated above, because I consider them the real crux of the problem of crime in this country. The petty offender is comparatively casy to discourage, the backwoods criminal will disappear as our country develops, the born criminal, the man who says that he cannot help committing crimes, can be

shut up indefinitely, but the professional criminal seems to baffle the criminologist as well as the penologist, and he probably does more financial damage to the community than all the others put together. He is the man that we must apprehend and punish before crime in the United States will fail to be attractive, and at the present moment it is its attractiveness which helps to make our criminal statistics so alarming.

I have placed him third in numerical strength in my general classification, and I believe this to be a correct estimate of the number of those who really make their living by professional thieving, but it Is thought by many, who do not discriminate in this particular, that he leads in the general criminal population. If those are to be included who would like to succeed as professional thieves and fail, and drop down sooner or later into the occasional criminal's class, the position I have given so-called successful " professional " would have to be changed; but it has seemed best to confine the class to those who are rated successful, and on this basis I doubt whether an actual census taking, if it were possible, would prove them to be more numerous than I have indicated. Seeing and hearing so much of them on my travels I made every effort to secure trustworthy statistics in regard to their number, and as the bulk of them are known to the police, it seemed reasonable to suppose that, if I passed round enough among different police organizations, I ought to get satisfactory figures, but the fact of the matter is that the police themselves can only make guesses concerning the general situation, and I am unable to do any better.

When putting queries concerning the number of the offenders in question, my informants wanted me to differentiate and ask them about particular kinds of professionals before they would reply. One very well informed detective, for instance, said: "Do you mean the whole push, or just the A No. 1 guns? If you mean the push, why you're safe in saying that there are 100,000 in the whole country, but the most of 'em are a pretty poor lot. If you mean the really good people, 10,000 will take 'em all in."

The cities which were reported to have

The Independent

OCTOBER 26, 1899

| Survey of the World: | |
|--|------|
| Dewey in Washington-The Political Situation-Yacht Races-The Cuban Census- | 2055 |
| Venezuelan Revolution Battles in South Africa—French Army Reforms, etc | |
| Colonial Administration for the United States Sir Godfrey Lagden | |
| The Younger Writers of Norway Edmund Gosse | |
| The Dreyfus Affair Yves Guyot | 2865 |
| A Ballad of Hallowmass (Poem) | 2871 |
| The Alaskan Boundary Line Pres. T. C. Mendenhall | 2872 |
| Notes of an Itinerant Policeman Josiah Flynt | 2875 |
| The Inauguration at Yale Dr. Kinsley Twining | 2878 |
| Reform in the Consular Service Gaillard Hunt | 2881 |
| The South African War An American Resident of Johannesburg | 2883 |
| The Negro Child Mrs. L. H. Harris | 2884 |
| The Good Old Way of Teaching Ascham Follansbee | 2886 |
| A Wayside Family (Story) J. Edmund Vance Cooke | 2888 |
| Helps and Hindrances to the Study of Life Prof. Lionel S. Beale | 2891 |
| Frederick Chopin E. Irenaeus Prime-Stevenson | 2892 |
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| The Last Days of Rome—A Study of the Alcohol Question—Matthew Arnold—Search-Light Letters—The Archbishop's Unguarded Moment, and Other Stories, etc | 2895 |
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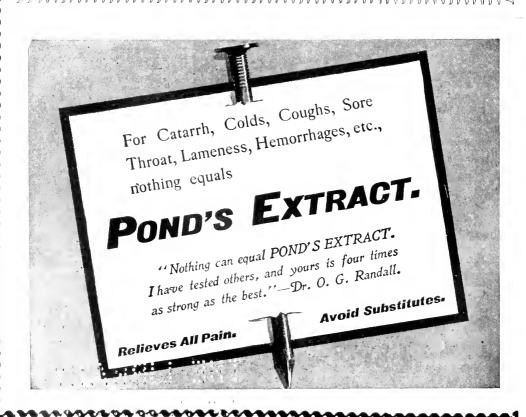
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that does about everything but talk. It has an **illuminated**, **asbestos**, **lined oven** and many improvements that save coal, time and worry. Now on ex-



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GLENWOOD



FIFTY-FOURTH ANNUAL STATEMENT

NEW=YORK LIFE INSURANCE COMPANY

Nos. 346 and 348 Broadway, New York City.

JOHN A. McCALL. President.

8.628.319 - 37,876,179

BALANCE SHEET, JANUARY

| ^ | 0 | 0 | | 7 | 0 | |
|------|---|---|---|-----|---|--|
| - 84 | | | - | - 1 | | |

| \$121,579,619 |
|---------------|
| 39,002,758 |
| 16,539,000 |
| 8,434,786 |
| |
| 9,818,600 |
| 7,390,845 |
| |
| 6,050,831 |
| 2,280,188 |
| |
| 2,087,274 |
| 1,440,487 |
| |

1.320.423 TOTAL ASSETS......\$215,944,S11

LIABILITIES.

| Policy Reserve (per certificate of New York Insurance Department | 8175.710.249 |
|--|----------------------|
| All other Liabilities: Policy Claims, An | |
| presentment for payment awaiting | 2,858,383\$178,068, |
| Additional Policy Reserve val- unturily set aside by the Com- | |
| Surplus Reserved Funds volun- | 2,838,626 |
| tarily set aside by the Com- | |
| Other Funds for all other and | 26,414,234 |
| Other Funds for ull other contingencies | 8,628,319 = -37,876, |
| | |

TOTAL LIABILITIES.\$215,941,811

CASH INCOME, 1898.

| New Premiums \$7,644. Renewal Premiums 27,987. | 715 983 |
|--|---|
| TOTAL PREMIUMS | *************************************** |
| Bonds | |
| serves on policies | |
| Rents received. 875, Dividends on Stocks. 221, | |

TOTAL. INTEREST, RENTS, &c 9.799,268

TOTAL INCOME \$45,431,916

INSURANCE ACCOUNT.

ON THE BASIS OF PAID-FOR BUSINESS ONLY.

| NUMBER OF POLICIES. | AMOUNT. | |
|--------------------------------------|---------------|--|
| In Force, December 31, 1897 332,958 | \$877,020,925 | |
| New Insurance Paid-for, 1898. 73,471 | 152,093,369 | |
| Old Insurances revived and | | |
| increased, 1898 835 | 2.129,688 | |

TOTAL PAID-FOR BUSINESS 407,264, \$1,031,243,982

DEDUCT TERMINATIONS: By Death, Maturity, S render, Expiry, &c...

33,330 87,222,862

Paid-for Businessin Force December

31st, 1898..... 373,934 \$914,021,120

Galn in 1898. 40.976 New Applications Declined in 1898

\$67,000 195

EXPENDITURES, 1898.

| Paid for Losses, Endowments and Annuities | \$15,390,915 |
|--|--------------|
| Paid for Dividends and Surrender Values | 6,124,843 |
| Commissions (\$3,320,904.33) on New Business of \$152,093,369; Medical Examiners' Fees, and Inspection of Risks (\$449,428) | 3,770,332 |
| Home and Branch Office Expenses, Taxes, Adver- tising, Equipment Account, Telegraph, Post- age, Commissions on \$791,927,751 of Old Business and Miscellaneous Expenditures | 5,208,754 |
| Balance-Excess of Income over Expenditures for year | 14,932,964 |

TOTAL EXPENDITURES......\$45,431,916

COMPARISON FOR SEVEN YEARS. (1891-1898.)

Dec. 31st, 1891. Dec. 31st, 1898. Gain in Seven Years. Assets.....\$125,947,290 \$215,944,811 \$89,997,521 13.577,723 31,854,194 45,431,917 Income..... of Dividends Year to Policy 1.499.092 Holders Total Pav-1.260.340 2.759.432 ments of Year to Policy Number of Policies in Force. 8,848,374 21,519,865 191,131 373.934 Insurance in Force. premiums

paid,.... \$575.689,649 \$944,021,120 \$368,331,471

Certificate of Superintendent of State of New York Insurance Department.

ALBANY, January 6th, 1899.

1, LOUIS F, PAYN, Superintendent of Insurance of the State of New York, do hereby certify that the NEW-YORK LIFE INSUR-ANCE COMPANY, of the City of New York, in the State of New York, is duly authorized to transact the business of Life Insurance in this size.

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I FURTHER CERTIFY that, in accordance with the provisions of Section Eighty-four of the insurance law of the State of New York, I have caused the polley obligations of the said company, outstanding on the 3ist day of December, 1898, to be valued as per the Combined Experience Table of Mortality, at four per cent. Interest, and I certify the same to be \$175,710,249.

I FURTHER CERTIFY that the admitted assets are

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IN WITNESS WHEREOF, I have hereunto subscribed my name and caused my official scal to be affixed at the City of Albany, the day and year first above written. LOUIS F. PAYN.

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BY

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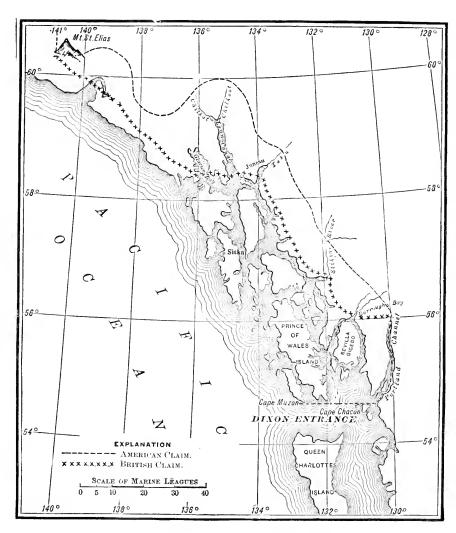
BULLETIN

OF THE

AMERICAN GEOGRAPHICAL SOCIETY

1 9 0 0





SKETCH-MAP OF SOUTH-EAST ALASKA.

THE ALASKA BOUNDARY LINE,

AN ADDRESS BEFORE THE AMERICAN GEOGRAPHICAL SOCIETY,

BY

T. C. MENDENHALL,

President of the Worcester Polytechnic Institute.

A few years ago I had the pleasure of addressing the Society upon the Boundary Line separating Southeast Alaska from the British Northwest Territory, calling attention to the ambiguous and uncertain definition of the line in the treaty between Russia and Great Britain, in which it was originally defined, and predicting a controversy, the beginnings of which were even then in evi-Since then, as everybody knows, this controversy has grown in magnitude and intensity until it has attracted the attention of most intelligent people, and it is everywhere acknowledged to be of such importance as to justify a review of the situation at the present time. As a nation we have often been singularly negligent in the making of treaties involving delimitation of territory, and especially so in our intercourse with Great Britain, with which nation our territorial relations have been most intimate. Up to this time we have shown little, because we have felt little, of that spirit of "hold-fast," which has always characterized the diplomatic policy of the English people. We have been so busy in the occupation and development of the great interior that a few hundred square miles here and there of distant, unsettled regions have seemed to us of little importance. A better understanding on the part of the masses of our people of the interests involved would do much to secure a more vigorous support of just claims on the part of our government authorities; and it is hoped that a dissemination of better information as to the nature of the present dispute will result in a popular demand for a rigid insistence upon But it must not be assumed that the question of the those claims. Alaska Boundary is entirely one-sided. There are serious difficulties in the interpretation of the language of the treaty, and to some of these it will be well to give careful consideration.

It is well known that in the purchase of this territory in 1867 it was conveyed to us in the language of the treaty between Russia and Great Britain, made in 1825. Whatever jurisdiction and rights

we may possibly claim now were those claimed and exercised by Russia from 1825 to 1867—no more and no less.

That part of the treaty which is responsible for the pending controversy is as follows:

"Commencing from the southernmost point of the Island called Prince of Wales Island, which point lies in the parallel of 54° 40' north latitude and between the 131st and 133d degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian) and finally from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the frozen ocean."

The first apparent difficulty is the determination of what is meant by "the channel called Portland Channel." The Canadians, many of them, have interpreted this to mean that on leaving the southernmost point of Prince of Wales Island the line should be drawn at once to the north as far as the 56th parallel of north latitude, and this carries it to the west of the great Revilla Gigedo Island into Burrough's Bay,* thus throwing that island and a large block of the mainland under their jurisdiction, although now claimed by us. In order to enter what has always been known as Portland Channel it is necessary to proceed from the beginning at Prince of Wales Island straight to the east for about sixty miles, and then "ascend to the north along the channel," which is the line we claim. The omission of a reference to this easterly line in the treaty opens the door for the British contention, and to support it they maintain that the use of the name Portland Channel was an oversight. We contend, on the contrary, that the omission of the fifty or sixty miles of easting from the southernmost point of the Prince of Wales Island is of no special importance, because it would be assumed that before you can ascend along a channel you must get into it.

This point was strongly insisted upon for several years by Canadian authorities, but it has been practically given up as unreasonable and untenable, in the conferences of the Joint Commissioners appointed a year or two ago. A far more serious claim is based on the next phrase of the treaty, which declares that after leaving Portland Channel

"the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude," etc.

^{*} Or Inlet.

The charts of this region on which the treaty-makers principally relied were those of Vancouver, who explored the northwest coast in the interests of the British Government about one hundred years ago. Vancouver traversed the estuaries and followed the windings of the coast pretty thoroughly, but he did not go inland, all of his work being done, in fact, from the deck of his ship. On his charts a beautifully continuous range of mountains is shown, skirting the coast about 35 miles back from the shore. This range was proposed by the Russian diplomats as a suitable natural boundary. The English, however, were suspicious of the accuracy of Vancouver's map, and were especially concerned lest the range of mountains shown thereon should be found to be really further from the coast than 10 marine leagues. They cited the fact that they had only a few years before encountered difficulty in settling a boundary controversy with the United States, on account of the discovery that mountain ranges shown upon the map did not so exist actually upon the ground. They proposed that the line should be fixed at ten marine leagues, about 35 miles, from the windings of the coast, and it was finally agreed to insert the modifying clause,

"that whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at a distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

It is a fact of the utmost importance that the English representatives were willing to accept a line "always at a distance of ten marine leagues from the shore," and that they protected themselves against a possible divergence of the supposed range of mountains to a greater distance inland. The extension of the line to the north along the 141st degree of longitude west of Greenwich is a simple astronomical problem over which there can be no dispute, and so the whole controversy is over the meaning of that part of the treaty which defines the boundary from the point where the Portland Channel meets the 56th parallel of north latitude to the 141st meridian, which it intersects very nearly at the summit of Mount St. Elias. The superiority of English diplomacy is shown in the wording of the treaty so that, while the swinging of the mountain range inland beyond the ten marine leagues shall not carry the boundary line with it, if it should be found to be really less than that distance from the shore, the Russian holdings must be reduced accordingly.

About ten years ago the United States began a survey for the purpose of definitely locating this boundary line. The first work was the establishment of astronomical stations on tributaries of the Yukon, to determine and mark at a few important points the 141st meridian north of Mount St. Elias. About 1891 a survey of the lower part of the region traversed by the boundary was undertaken by the United States and Canada jointly, but it was agreed that the two parties should work independently of each other, so that more ground might be covered, each Government to receive the results of the work of the other. A large part of the work was topographical, especially that of the Canadian parties.

The result of this survey was to prove, at least to the satisfaction of those representing the American side of the controversy, that the range of mountains shown on Vancouver's map does of exist, and that within the prescribed distance of ten marine leagues there is no range of mountains in Southeast Alaska "parallel to the windings of the coast." Mountains there are in plenty, but they are scattered about in absolute irregularity, generally increasing in height towards the east, but nowhere simulating a range, except in the northern extremity of the territory under consideration, where is to be found the Fairweather range, and possibly for a short distance in the neighborhood of the White and Chilkoot passes.

The American contention is, therefore, that in view of the failure of the first paragraph in its application to existing conditions, it becomes necessary to fall back upon the second and fix the boundary line at ten marine leagues from the shore, parallel to the windings of the coast.

To this argument Canadians have replied that the phrase "shall follow the summit of the mountains parallel to the coast" is applicable to those mountains which are admitted to be generally but irregularly distributed over the strip of territory in dispute, and that the line should be laid down by joining the summits of those nearest the shore. The effect of the adoption of this principle is to place the line everywhere very near the coast, leaving almost nothing but the western mountain slopes to the United States, and, what is more important, interrupting at several points the continuity of our coast line, giving to Great Britain many important estuaries, waterways and harbors. Indeed, it is clear in all of the negotiations that the primary object of Great Britain is to obtain coast line by which she may control admission to the interior.

Recognizing the difficulty of interpreting this treaty, Americans

have very properly called to their support the doctrine of vested rights, accruing from continuous and undisputed and unmixed occupancy. Here it cannot be denied that everything is in our favor. From 1825 to 1867 the Russians claimed this territory, as we now claim it, without a word of protest from Great Britain. Not only Russian maps, but all maps drawn, up to a very recent time, showed the boundary where we believe it should be. All English charts so represent it. The Hudson Bay Company, an English corporation, leased from Russia a large part of this strip of land, following and adopting the boundary line as now claimed by us, paying an annual rental for its use. Before Parliamentary Committees the territory thus leased was defined and acknowledged by these maps, and in numerous proceedings the Russian claim was admitted without offuscion. Many important points were actually occupied by Russian colonies, and none by British.

After the United States assumed jurisdiction in 1867, the Department of State published a map showing the bounds of the newly acquired territory; many American enterprises were established within the now disputed area, some at the extremest points, all without a word from Great Britain; and there was never an attempt to colonize this region by British subjects. Only a little more than ten years ago, when the value of the mineral resources of the region began to be understood, the first Canadian map was printed showing any other line than that now claimed by us. Even now English maps, almost without exception, show the boundary line as it is found on our own maps, and as late as about a year ago the Scottish Geographical Magazine, an acknowledged authority on cartography, published a very complete map of the whole region, with the boundary laid down in agreement with American claims. to the absolute justice of these claims there can be no doubt in the minds of competent but unbiassed authorities. During the session of the Joint Commission the British Commissioners submitted a proposal to arbitrate the whole question in conformity to the terms of the Venezuelan arbitration, but they declined to consent to the selection of an umpire from the American continent. The American Commissioners proposed to submit the matter to a tribunal consisting of three judges of the highest standing in each country, a binding decision to be reached by at least four of these. This proposition, which must impress all as being eminently fair, was rejected by the British Commissioners, and no further attempt to reach an agreement was made by the Joint Commission.

Through the ordinary diplomatic channels a tentative agreement

has been reached, covering a small portion of the line in the neighborhood of the passes at the head of Lynn Canal, where most conflict of jurisdiction has occurred, and a temporary relief from strained relations is promised. It will be but temporary, however, and it would have been safer and better if the United States had stood squarely for its contention in every detail. If once submitted to arbitration the result would be a compromise, regardless of our real rights, and these are so clear that no concession ought to be made.

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OF THE

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CONTENTS

| | PAGE |
|---|------|
| Physical Geography of New York State. By R. S. TARR, | 1 |
| The Five Civilized Tribes: Indian Territory. By C. H. FITCH, | 15 |
| Palestine as Illustrating Geological and Geographical Controls. By REGINALD | |
| A. Daly, | 22 |
| A Dictionary of Topographic Forms. By HERBERT M. WILSON, | 32 |
| Notes on Climatology. By ROBERT DEC. WARD, | 42 |
| Notes on Anthropology. By ROLAND B. DINON, - | 47 |
| Physiographic Notes. By RALPH S. TARR, | 52 |
| Notes on Geographical Education. By RICHARD E. DODGE, - | 5.5 |
| Geographical Record, | 61 |
| The Alaska Boundary Line. By T. C. MENDENHALL, | 67 |
| Map Notices. By HENRY GANNETT, | 7.3 |
| Accessions to the Library, | 7.5 |
| Book Notices, | 75 |
| Obituary. W. H. GILDER, | 84 |
| Notes and News, | 85 |
| Transactions of the Society: Commemoration of the late CHARLES P. DALY, | 8.8 |

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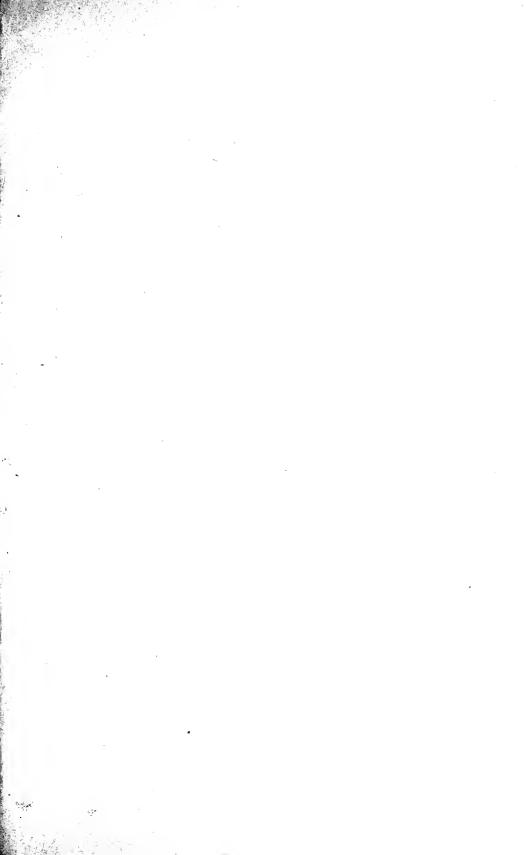
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